City Council Agenda

Council President
Jerry Duncan

Councilmembers

Tom Boyajian Brian Calhoun, Ph.D. Mike Dages

City Manager
Andrew T. Souza

Councilmember

Henry T. Perea – Acting President Cynthia Sterling Larry Westerlund

City Clerk
Rebecca E. Klisch, CMC

Interim City Attorney

James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

MARCH 14, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by College Pastor Loren Pankratz of New Covenant Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "POISON PREVENTION WEEK" - Councilmember Sterling

Proclamation of "H&R BLOCK FRESNO TAX ADVICE MONTH" - Acting President Perea

Proclamation for James Zmudzinski, "EOC Local Conservation Corpsmember of the Year" - Councilmember Boyajian

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of March 7, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. CONSENT CALENDAR

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- **A.** * Award a contract to Nixon-Egli Equipment Company of Tracy, California, for one (1) portable vibratory screen plant Fleet Management/General Services Department **Action Taken:**
- **B.** * Authorize a joint agreement and acceptance of the Byrne Justice Assistance Grant Program, from the U.S. Department of Justice, Bureau of Justice for \$313,389, for the City and the County of Fresno and the execution of all related documents Police Department **Action Taken:**
- **C.** * Establish minimum standards for aviation service providers doing business at Fresno Yosemite International Airport (FYI) Airports Department

Action Taken:

D. * Approve addendum to Fresno-Clovis Regional Sewerage System Joint Powers Agreement – Department of Public Utilities

Action Taken:

E. * Approve professional services agreement with Quad Knopf Engineering Incorporated for environmental consultant services for a water transmission main interconnection between the City of Fresno and the City of Clovis, authorizing the Director of Public Utilities to sign the agreement on behalf of the City of Fresno – Department of Public Utilities

Action Taken:

- **F.** * **RESOLUTION** 67th amendment to AAR No. 2005-286 appropriating \$125,000 for a Trench Cut Recovery Cost Fee Study on City streets (*Requires 5 affirmative votes*) Public Works Department *Action Taken:*
- **G.** * Approve the sale of an abandoned water well site located south of East McKenzie Avenue and North Chestnut Avenue to the adjacent property owner in Council District 7 Public Works Department **Action Taken:**
- Approve substitution of subcontractor for the traffic signal installation at the intersection of Clinton Avenue and Ninth Street Project Public Works Department
 Action Taken:

CONSENT CALENDAR CONTINUED

- * Approve the sale of an abandoned water well site located at West Avenue and Fountain Way to the adjacent property owner in Council District 1 Public Works Department
 Action Taken:
- J. * Award a contract to Graham Prewett, Inc. of Fresno, California, for re-roof and asbestos removal at Fire Stations 8 and 10 Facilities Management/General Services Department Action Taken:
- K. * RESOLUTION 66th amendment to AAR No. 2005-286 appropriating \$15,000 in 21st Century grant funding from Fresno Unified School District for After School Science Programming (*Requires 5 affirmative votes*) Parks, Recreation and Community Services Department

Action Taken:

- 1. * Approve the corresponding Independent Contractor Services agreement *Action Taken:*
- L. * RESOLUTION Authorizing the purchase and installation of a supplemental 15,000 gallon liquid natural gas (LNG) storage tank for the existing LNG station without advertised competitive bidding Fleet Management/General Services Department

Action Taken:

- M. * Approve Side Letter of agreement with Fresno Police Officers Association (FPOA) Basic, Unit 4, regarding annual increase to retiree benefits Personnel Services Department Action Taken:
- N. * Approve consultant agreement between the City of Fresno and Fox Lawson and Associates for the Citywide classification and compensation study and authorize the City Manager to execute the approved agreement on behalf of the City of Fresno Personnel Services Department Action Taken:
- O. * Approve Drug and Alcohol Policy modification Personnel Services Department Action Taken:
- P. RESOLUTION Approving the Final Map of Tract No. 5196 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, Fire Chief and Planning and Development Director to execute the necessary documents Planning and Development Department <u>Action Taken:</u>
- Q. RESOLUTION Of intention to annex Final Tract No. 5457 to the City of Fresno Community Facilities District No. 2, Annexation No. 110 Public Works Department Action Taken:
- R. * BILL NO. B- 25 (Intro. 3/7/06) (For adoption) Approving the 2006 Weed Abatement Program Action Taken:
- 3. CITY COUNCIL
 - A. Direct expenditure of funds for Bankside Trails Project Councilmember Boyajian

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. SCHEDULED COMMUNICATION - Appearance by Allen Boone to discuss community concerns relating to the health and safety of our children and schools
 - В. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. GENERAL ADMINISTRATION

- **RESOLUTION** 68th amendment to AAR No. 2005-286 appropriating \$1,650,000 for the construction and equipping of the Federal Inspection Station (FIS) at Fresno Yosemite International Airport (FYI) (Requires 5 affirmative votes) - Airports Department Action Taken:
- **RESOLUTION** 69th amendment to AAR No. 2005-286 for the rebudget of capital projects to meet federal use requirement timelines; to construct bicycle lanes on C Street between Fresno Street and Ventura Street and on Fruit Avenue between Clinton and Dakota Avenues; and to construct other improvements on major streets (Requires 5 affirmative votes) -Public Works Department

Action Taken:

C. Approve documents regarding the Fire/Law Enforcement Administrative Complex and Shared Communications Dispatch Center – Police Department

Action Taken:

Accept the Spatial Needs Assessment Final Report for the Fire/Law Enforcement Administrative Complex and Communications Center

Action Taken:

Approve an amendment to agreement with RRM Design Group, Inc. (RRM), to prepare project bridging documents, provide Request for Proposal (RFP) and development assistance for a joint Fire/Law Enforcement Administrative Complex and Shared Communications Dispatch Center for the Fire Department, Police Department and Fresno County Sheriff's Department

Action Taken:

10:00 A.M. **HEARING** regarding the vacation of a portion of Browning Avenue east of Brawley Avenue in Council District 2 – Public Works Department

Action Taken:

RESOLUTION – Ordering the vacation of a portion of Browning Avenue east of Brawley Avenue

Action Taken:

10:15 A.M. **HEARING** to consider Rezone Application No. R-05-24, and environmental findings, filed by Union Community Holdings, pertaining to approximately 8.36 acres of property located south and west of the southwest corner of South Temperance Avenue and East Kings Canyon Road (Property located in **District 5)** – Planning and Development Department

Action Taken:

Consider and adopt Environmental Assessment No. R-05-24/T-5500, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

BILL - Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (Exclusive Twenty Acre Agricultural/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- **10:20 A.M. HEARING** to consider Rezone Application No. R-05-61, and environmental findings, filed by Centex Homes, on behalf of Damrong and Somluck Pattanumotana and Ahmed Khaled, pertaining to approximately 55.10 acres of property located on the southwest corner of North Locan and East Shields Avenues (*Property located in District 4*) Planning and Development Department *Action Taken:*
 - a. Consider and adopt Environmental Assessment No. R-05-61/T-5592/C-05-187, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan Action Taken:
 - b. BILL Amending the Official Zone Map to rezone 27.29acres of the subject property from the AE-20(Exclusive Twenty Acre Agricultural [County of Fresno] zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district and the remaining 28.22 acres to the R-2/UGM (Low Density Multiple Family Residential/Urban Growth Management) zone district

Action Taken:

- **10:30 A.M. HEARING** to consider Rezone Application No. R-05-106, and environmental findings, filed by Ethan Smith on behalf of Dale and Mary Mendoza and Lee Roy and Evelyn Weldon, pertaining to approximately 8.66 acres of property located on the south side of West Nielsen Avenue between South Hughes and South West Avenues (*Property located in District 3*) Planning and Development Department (*Continue to April 4, 2006 at 10:35 a.m.*) **Action Taken:**
- **10:40 A.M. HEARING** to consider a resolution of public use and necessity for the acquisition of a street easement and an irrigation easement from residential property located at 2167 N. Cornelia Avenue, which is the northwest corner of Cornelia Avenue and the future University Avenue in the City of Fresno: 312-280-18s owned by Arthur E. Steeley and Halaine E. Steeley Public Works Department **Action Taken:**
 - **RESOLUTION** Determining that public interest and necessity require acquisition of permanent easement and rights of way and an irrigation easement for public purposes over, under, through and across real properties for the construction of the Cornelia Avenue Street widening project and related purposes and authorizing eminent domain proceedings for public use and purpose (Requires 5 affirmative votes) (Property located in District 3)

 Action Taken:
- **11:00 A.M. CONTINUED HEARING** to consider Community Facilities District No. 11, Annexation No. 2, Tract No. 5316 Public Works Dept. *(Continue to March 28, 2006 at 3:45 p.m.)* **Action Taken:**
- 2:00 P.M. #1 CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #2 CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, Subdivision (a)

1. Case Name: John Christopher Hamoy v. City of Fresno, et al.

2. Case Name: Victoria L. Munoz v. Heather Rose Cates, Michelle Hernandez, Jerry

A. Wengerd, and DOES 1 to 10 inclusive; City of Fresno, Plaintiff In

Intervention

3. Case Name: Sharon Bertao OBO Lawrence Bertao (Dec'd) v. City of Fresno,

Administered by AARLA

4. Case Name: City of Fresno v. Madera County Board of Supervisors, et al; (River

Ranch) (Stanislaus County, Superior Court No. 351003)

5. <u>Case Name:</u> County of Madera v. City of Fresno, Fresno City Council; (Park

Place) (Fresno Superior Court Case No. 05CECG03698)

6. <u>Case Name:</u> County of Madera v. City of Fresno, Fresno City Council; (Fancher

Creek) (Sacramento County, Superior Court No. 05CS01379)

Action Taken:

2:30 P.M. Assess Fulton Mall and make recommendations to Council/Redevelopment Agency by September 1st - Councilmember Calhoun

Action Taken:

4:00 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of January 10, 24, and 31, 2006

Action Taken:

A. HEARING to consider matters regarding amending the Chinatown Expanded Redevelopment Plan:

Action Taken:

 RESOLUTION – Approving and adopting the Report to the City Council and authorizing submission to the Council (Agency action)

Action Taken:

2. BILL – Adopting Environmental Assessment No. RDA-2005-05, a Mitigated Declaration, and amending the Chinatown Expanded Redevelopment Plan (Council action)

Action Taken:

B. Consider matters pertaining to proposed acquisition of four (4) parcels located at the southwest corner of Kings Canyon Road and Backer Avenue in the Southeast Fresno Revitalization Redevelopment Project Area:

Action Taken:

1. **RESOLUTION** – Adopting Mitigated Negative Declaration EA - RDA – 05-04 (Agency action)

Action Taken:

Approve and authorize Executive Director to enter into a Purchase and Sales Agreement for the four (4) properties known as Assessor Parcel Numbers 470-081-03, 04, 05, and 06 located at the Southwest corner of Kings Canyon Road and Backer Avenue (Agency action)

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar.	21 -	NO MEETING - COUNCIL BREAK	
Mar.	28 -	10:00 A.M.	HEARING re: Rezone Application No. R-05-028, filed by John Allen on behalf of Image Homes, Inc.
Mar.	28 -	10:10 A.M.	HEARING re: Community Facilities District No. 11, Annexation No. 1, Tract No. 5357
Mar.	28 -	10:15 A.M.	HEARING re: Community Facilities District No. 11, Annexation No. 4, Tract No. 5338
Mar.	28 -	10:30 A.M.	HEARING re: Rezone Application No. R-05-01, filed by Anthony Pings, on behalf of Wei-Shing Su
Mar.	28 -	10:45 A.M.	Annual update report on Empowerment Zone performance measures presented
			by Chairman of the Empowerment Zone Board of Directors, Frank Gallegos
Mar.	28 -	2:30 P.M.	WORKSHOP relating to inclusionery housing – Councilmember Westerlund
Mar.	28 -	4:00 P.M.	RESOLUTION - re: BNSF Figarden Siding Issue – Councilmember Calhoun
Apr.	4 -	10:00 A.M. #1	HEARING re: Community Facilities District No. 2, Annexation No. 113, Tract No. 5442
Apr.	4 -		HEARING re: Community Facilities District No. 2, Annexation No. 114, Tract No. 5445
Apr.	4 -		HEARING re: Community Facilities District No. 2, Annexation No. 115, Tract No. 5446
Apr.	4 -		HEARING re: Community Facilities District No. 2, Annexation No. 116, Tract No. 5211
Apr.	11 -	NO MEETING – EASTER BREAK	
Apr.	18 -	8:30 A.M.	Presentation of the P.R.I.D.E. Team Certificates (Reception immediately following – 2^{nd} floor foyer)
	4.0	40.00.4.11	WORKSHOP F . F . W I
Apr.	18 -	10:00 A.M.	WORKSHOP on East Fresno Water Issues
Apr.	18 -	10:30 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 110, Tract No. 5457
Apr.	18 -	5:30 P.M.	CONTINUED HEARING – Adopt a resolution designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue to the Local Register of Historic Resources
May	2 -	3:00 P.M.	Presentation of Employee Service Awards Certificates (Reception immediately following – 2^{nd} floor foyer)